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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,999	03/12/2001	Matthijs Hendrik Keuper	PHNL 000103	8882

7590 02/28/2003

Corporate Patent Counsel
U.S. Philips Corporation
580 White Plains Road
Tarrytown, NY 10591

EXAMINER

GILMAN, ALEXANDER

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,999

Applicant(s)

KEUPER, MATTHIJS HENDRIK

Examiner

Alexander Gilman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the light-transmitting layer, light emitting surface must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 1, 3-8, 14, 18, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al.

With regard to claims 1 and 3-5, 7, 14 Johnson et al (US 6,373, 188) disclose an a light-emitting device comprising:

a chip emitting (62) a light of a first wavelength;

a light-emitting surface, and

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a phosphor layer (60) which is provided on a first portion of light emitting surface wherein a second portion of the light-emitting surface (portion covered by 38, 50) without the phosphor is surrounded by the first portion.

With regard to claim 6, Johnson et al disclose a light transmitting layer (26).

With regard to claim 8, Johnson et al disclose a optical elements for mixing (36)

With regard to claims 18 and 19, Johnson disclose that plurality of regions of phosphor form a chessboard pattern

1. Claims 1-8, 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Duggal et al.

With regard to claims 1 and 3-5, 7, 12-14 Duggal et al (US 6357889) disclose an a light-emitting device comprising:

a chip emitting (32, 34) a light of a first wavelength;

a light-emitting surface (20), and

a phosphor layer (24) which is provided on a first portion of light emitting surface wherein a second portion of the light-emitting surface without the phosphor is surrounded by the first portion (col.6, lines 20-23).

With regard to claim 2, Duggal et al disclose that combining the basic colors of phosphors the resulting output can be reached including emitting substantially white light.

With regard to claim 8, Duggal et al disclose a optical elements for mixing (16).

Claim Rejections - 35 USC § 103

1. Claims 1-11, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al in view of Duggal et al.

With regard to claims 1 and 3-5, 7, 11, 14, 15 Thompson et al (US 6,013,982) disclose an a light-emitting device comprising:

a chip (24, col. 4, lines 28-30) emitting a light of a first wavelength;

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a light-emitting surface , and

a luminescent layer (21R, 21G) which is provided on a first portion of light emitting surface wherein a second portion of the light-emitting surface without the phosphor is surrounded by the first portion.

Thompson et al does not disclose that the luminescent layer is a phosphor.

Duggal et al disclose luminescent layer is a phosphor.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Thompson et al with the luminescent layer as a phosphor, as taught by Duggal et al, to achieve different combinations of the color mixing.

With regard to claim 2, Thompson et al when modified by Duggal et al disclose that combining the basic colors of phosphors the resulting output can be reached including emitting substantially white light.

With regard to claim 8, Thompson et al when modified by Duggal et al disclose (Thompson et al) a optical elements for mixing (22).

Regarding claims 9 and 10, Thompson et al disclose the device structure which is manufactured according to claim limitations including screen printing.

With regard to claims 16 and 17, Thompson et al when modified by Duggal et al disclose (Thompson et al) a light-transmitting layer (23).

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

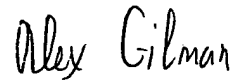
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Gilman whose telephone number is (703) 305-0847. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Alexander Gilman

A handwritten signature in black ink that reads "Alex Gilman". The signature is written in a cursive, flowing style.

February 24, 2003